

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMAR M BAILEY,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

Case No. C20-0023-TSZ-MAT

ORDER INVITING PETITIONER TO
FILE MOTION TO APPOINT
COUNSEL

Having reviewed the Government's return memorandum motion to dismiss (Dkt. 6) and the balance of the record, it appears to the Court that it may be appropriate to appoint the Federal Public Defender to represent Petitioner in these proceedings. *See* 18 U.S.C. § 3006A(a)(2)(B) (court may appoint counsel to financially eligible habeas petitioner when the interest of justice so require). However, there is no evidence in the record regarding Petitioner's financial eligibility or his desire to be represented by counsel. Accordingly, **within 30 days** of the date of this Order, Petitioner may ask the Court to appoint counsel. To do so, he should file with the Court a completed application to proceed *in forma pauperis* (form enclosed with this Order). Petitioner does not need to submit a trust account statement from the Northwest ICE Processing Center. The Court will

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1 construe a completed *in forma pauperis* application as a request for appointment of counsel and
2 address the motion as appropriate.

3 The Clerk is directed to STRIKE the Government's return memorandum (Dkt. 6) from the
4 Court's calendar pending filing and resolution of Petitioner's motion to appoint counsel. The Clerk
5 is further directed to send Petitioner a copy of this order and an application to proceed *in forma*
6 *pauperis*.

7 Dated this 21st day of July, 2020.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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